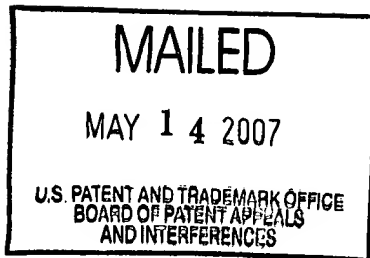


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte VERNON KEITH BOLAND,
KATHY DEAN,
RONALD A. RUSH, JR.,
ROBERT N. JOSEPHSON II
and
DENNIS A. PARKER

Application 09/735,835

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 4, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

A review of the Image File Wrapper (IFW) indicates that an Appeal Brief was filed on April 11, 2006. The "Status of Claims" appearing on page 2 states that "[c]laims 1-5, 7-10, 13, 15-18 and 20-24 are all rejected and are being appealed." Page 2 of the Examiner's Answer mailed July 5, 2006 agrees with this statement. However, the Examiner's Answer lists the sole ground of rejection as follows:

Claims 1-5, 7-13 and 15-24 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gardenswartz et al. (6,298,330) [page 3].


It should be noted that the examiner appears to have included and discussed claims which are not on appeal. Clarification is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for clarification regarding the claims which are on appeal;
- 2) if appropriate, for preparing a revised Examiner's Answer which corrects the ground of rejection; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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Deputy Chief Appeals Administrator
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PJN:psb

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